

1 Vanessa R. Waldref
United States Attorney
Eastern District of Washington
2 Todd M. Swensen
Assistant United States Attorney
3 402 E. Yakima Avenue, Suite 210
Yakima, Washington 98901
4 (509) 454-4425

5 IN THE UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA

8 Plaintiff,

9 v.

10 FORTINO PULIDO,

11 Defendant.

Case No.: 2:00-CR-02062-WFN

GOVERNMENT'S RESPONSE TO
MOTION FOR EARLY
TERMINATION OF
SUPERVISED RELEASE

12 Plaintiff, United States of America, by and through Vanessa R. Waldref, United
13 States Attorney for the Eastern District of Washington, and Todd M. Swensen,
14 Assistant United States Attorney for the Eastern District of Washington, submits the
15 following response to the Defendant's Motion for Early Termination of Supervised
16 Release. (ECF No. 197). Defendant is *pro se*.

17 //

18 //

19 //

20 Government's Response to Motion to
21 For Early Termination of Supervised
22 Release

I. Factual Background

On April 18, 2000, an indictment charging the Defendant with distribution of Controlled Substances and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. (ECF No. 1).

On August 15, 2000, a superseding indictment was filed charging the Defendant 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, and 21 U.S.C. §857. (ECF No. 19).

On January 17, 2001, the Defendant pled guilty to the superseding indictment. (ECF No. 38). On March 7, 2002, the Defendant was sentenced to 20 years imprisonment to be followed by 10 years of supervised release. (ECF No. 56).

On March 16, 2015, the Defendant asked this Court to reduce his sentence (ECF No. 59), which was denied on April 22, 2015. (ECF No. 60).

The Defendant was released from prison and began his current term of supervised release on November 22, 2017.

II. Legal Standard

The Court is empowered to terminate a term of supervised release early “if it is satisfied that such action is warranted by the conduct of the defendant released and in the interest of justice.” 18 U.S.C. § 3583(e)(1). These expansive phrases “make clear that a district court enjoys discretion to consider a wide range of circumstances when determining whether to grant early termination.” *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014).

1 Here, the Defendant argues that he should be released early from supervised
2 release because he has complied with conditions of supervised release. The
3 government objects to the instant motion as Defendant failed to show the kind of
4 stability with regard to his work history which would warrant termination of his
5 supervised release condition. Although the government commends the fact that
6 Defendant has not committed any criminal offense since his release, the government is
7 concerned that, since being released from prison on November 22, 2017
8 (approximately 4 years and 2 months ago), Defendant has not been able to keep steady
9 employment. More specifically, Defendant has held six different jobs in the four
10 years since his release, which demonstrates instability. While the Defendant has held
11 many different jobs since his release, he has not demonstrated any lost employment
12 opportunities due to his status on supervised release. Certainly, the Defendant can
13 communicate with his assigned probation officer if such a need arises.

14 As such, based upon the factors outlined in 18 U.S.C. § 3553(a), the
15 government respectfully recommends that the Defendant motion for early termination
16 be denied.

17 Dated this 11th day of February, 2022.

18 Vanessa R. Waldref
19 United States Attorney

20 /s/ Todd M. Swensen
21 Todd M. Swensen
22 Assistant United States Attorney

1 I hereby certify that on February 11, 2022, I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF System which will send notification of
3 such filing to the following: Fortino Pulido (*pro se*)
4

5 /s/ Todd M. Swensen
6 Todd M. Swensen
7 Assistant United States Attorney
8 United States Attorney's Office
9 402 E. Yakima Ave., Suite 210
10 Yakima, WA 98901
11 (509) 454-4425
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26